

FILED
Clerk
District Court

APR - 5 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ANTONIO S. CAMACHO,

Plaintiff-Appellee,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS PUBLIC LANDS
AUTHORITY, et al.,

Defendants-Appellants.

Case No. CV-05-0043

**ORDER DENYING APPELLANTS'
MOTION FOR APPELLEE TO PAY
FOR PORTIONS OF TRANSCRIPT**

THIS MATTER came before the court on April 5, 2007, on appellants' certification that portions of the transcript requested by appellee are unnecessary to the appeal and motion for appellee to pay for portions of the transcript. Certification Under Ninth Circuit Rule 10-3.1(d) and Motion For Appellee to Pay For Portions of Transcript, No. 63 (Mar. 9, 2007). Attorney Gregory Baka appeared on behalf of the appellants; attorney Michael W. Dotts appeared on behalf of the appellee.

THE COURT, having considered the arguments of the parties, **ORDERS** appellants to pay for all portions of the transcript.

By abiding to some Circuit Rules and disregarding others, appellants have frustrated the intentions of the local rules of the United States Court of Appeals for the Ninth Circuit and the Federal Rules of Appellate Procedure. Here, the appellants have circumvented the appellee's rights to order portions of the transcript by failing to "serve appellee with a notice specifying which portions of the transcript appellant[s] intend[] to order from the court reporter, as well as a statement

1 of the issues the appellant[s] intend[] to present on appeal” as required by Circuit Rule 10-3(a). This
2 prevented the appellee from “serving on appellant a list of any additional portions of the transcript
3 that appellee deems necessary to the appeal.” Instead, the appellants ordered their transcript on
4 February 26, 2007, and filed this certification on March 9, 2007. While portions of the transcript
5 deemed relevant to the appellants have already been prepared, to this date, the court reporter has not
6 been notified that the appellee has requested additional portions of the transcript although such
7 notice is required by Circuit Rule 10-3.1(f), causing even further delay in the processing of the
8 transcript order. Furthermore, because the appellants have not clearly explained the issues that they
9 intend to present on appeal and because the appellants have failed to provide the appellee with a
10 statement of the issues, the court and the appellee cannot determine the relevancy of the alleged
11 unnecessary portions of the transcript.

12 **ACCORDINGLY, THE COURT** deems that the portions of the transcript requested by the
13 appellee are not unnecessary. Furthermore, due to the appellants’ unnecessary delay, **THE COURT**
14 **ORDERS** the appellants to either pay for the entire transcript or provide to the appellee a statement
15 of the issues that they intent to present on appeal and pay for all portions of the transcript that the
16 appellee asserts are necessary. **THE COURT** notes that the transcript is considered ordered only
17 after an order form listing all portions of the transcript requested by all parties have been submitted
18 and payment arrangements by the appellants have been made with the court reporter or the district
19 court has deemed that the portions of the transcripts requested by the appellee are unnecessary and
20 the appellee has made financial arrangements. Circuit Rule 10-3.1(e).

21 **IT IS SO ORDERED.**

22 **DATED** this 5th day of April, 2007.

23
24 
25 ALEX R. MUNSON
26 U.S. District Court Chief Judge